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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,338	01/26/2004	Christopher Clemmett Macleod Beck	P8600	9881
24739 7590 11/13/2009 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER				
CHEEMA, UMAR				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
11/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/765,338

Applicant(s)

MACLEOD BECK ET AL.

Examiner

UMAR CHEEMA

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-42, 44-53 and 70-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-42, 44-53 and 70-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 10/22/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the Request for Continued Examination (RCE) transmitted on 08/31/2009. Claims 40-42, 44-53, and 70-82 are pending with claims 40-42, and 44-53 being amended and claims 43 and 54-69 being cancelled. Claims 70-82 are newly added claims.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/31/2009 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/22/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

4. Applicant's arguments with respect to claims 40-42, 44-53, and 70-82 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claim 1 is objected to because of the following informalities: Claim fails to end with a period. Policies are enforced by the software accordingly . . . ? Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 40-42, 44-53, and 70-82 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 40, 70, and all their dependent claims are directed to *software per se*, which is non-statutory subject matter. Even though claims are directed to a communication management system and a method comprising a computer/machine-readable medium, does not make it statutory because nowhere in specification computer/machine-readable medium is defined consisting of hardware. Therefore, Examiner is interpreting computer/machine-readable medium as software because the steps of these claims can be done by software as also recited in claim embodiment. Further, Examiner would like to suggest changing "computer/machine readable medium" in claims 40 and 70 to recite either "computer-readable storage medium" or "machine-readable storage medium" to show consistency in claim language as well as making it proper statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 40-42, 44-53, and 70-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman (US Patent No. 6,535,492) in view of Holbrook et al. (Holbrook) (US Pub. No. 2003/0078985) and further in view of Fraser ("MT-NW Manual).
8. Regarding claims 40 and 70, Shtivelman discloses the invention as claimed a method and communication management system, comprising: a computer appliance (see abstract, figure 1 and the details related; system is using computer appliances); a data repository coupled to the computer appliance storing a directory of contact identifies, a user-configurable plurality of zones to which contact identities may be associated, and user-configurable communication-management policies that vary by zone and by contact identity; and software stored on and executable from a computer-readable medium accessible by the computer appliance (see abstract; col. 2, lines 27-43; data repository storing parameters and a management software executes on a server associated with the communication center system), the software providing at

least a policy-enforcement utility and a message-content analyzer; wherein, in communication operations, contact identities and message content is analyzed to determine zone association, and management policies are enforced by the software accordingly

9. Shtivelman substantially discloses the invention as claimed for the given reason above but does not explicitly disclose wherein said a data repository coupled to the computer appliance storing a directory of contact identifies, a user-configurable plurality of zones to which contact identities may be associated, and user-configurable communication-management policies that vary by zone and by contact identity and further wherein software providing at least a policy-enforcement utility and a message-content analyzer; wherein, in communication operations, contact identities and message content is analyzed to determine zone association, and management policies are enforced by the software.

10. In the same field of invention Holbrook discloses wherein said a data repository coupled to the computer appliance storing a directory of contact identifies, a user-configurable plurality of zones to which contact identities may be associated, and user-configurable communication-management policies that vary by zone and by contact identity (see par. [0007, 0101, 0128, 0195]; wherein central repository of data and creating plurality of zones within messaging nodes with given value are available for users etc.).

11. It would have been obvious to one of the ordinary skill person in the art of networking at the time of invention to combine the teaching of Shtivelman into Holbrook for plurality of zones with predetermine policies/values associated with them.

12. Shtivelman-Holbrook substantially disclose the invention for the given reasons above but do not explicitly disclose wherein software providing at least a policy-enforcement utility and a message-content analyzer; wherein, in communication operations, contact identities and message content is analyzed to determine zone association, and management policies are enforced by the software.

13. In the same field of invention Fraser discloses wherein software providing at least a policy-enforcement utility and a message-content analyzer; wherein, in communication operations, contact identities and message content is analyzed to determine zone association, and management policies are enforced by the software (comprising enforcing a rule that messages must be sent with the proper text encoding for a personality: see third par. on pg. 38; Fraser also discloses a plurality of zones each with unique set of users and each user identified by a unique name in the zone (posting to Usenet: see "Posting New Articles" on p. 25; comprising the body of information included in message sent from a "Personality", which is an identity specific to a user for use in a specific zone, the zone comprising a newspaper: see pg. 35 and "Group Setting" on pg. 41; also see pg. 20 "Reading the News") and wherein communication is supported in multiple modes and protocols within each zone and the system activates a zone based at least one name of active users (see comprising the function which

creates "Personalities": pg. 35-36 and selecting personality based on a filter defined by author name: see discussion of "Filters" on pgs. 41-42 and the third par. of pg. 61).

14. It would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Shtivelman-Holbrook into Fraser for a communication management system. Motivation for doing so would have been having data available for plurality of zones within messaging nodes (see Holbrook par. [0128]).

15. Regarding claim 41, the combination of Shtivelman-Holbrook disclose wherein Holbrook further discloses the system of claim 40 wherein contact identities may be names or aliases of person or devices (see par. [0007, 0101, 0128, 0195]).

16. Regarding claim 42, Shtivelman discloses the system of claim 40 further comprising an interface to a network, wherein the communication involves sending or receiving message over the network (see figure 1 (13); Internet).

17. Regarding claim 43, (Cancelled).

18. Regarding claim 44, the combination of Shtivelman-Holbrook disclose wherein Holbrook further discloses the system of claim 40 wherein the system, at the time of receiving or sending a message, determines a zone association to determine management policy to enforce (see par. [0007, 0101, 0128, 0195]).

19. Regarding claim 45, Shtivelman discloses the system of claim 40 wherein individual ones of the zones are defined by various social environments and/or activity engaged in by a person (see col. 1, lines 57-67, col. 2, lines 1-2).

20. Regarding claim 46, Shtivelman discloses the system of claim 40 wherein messaging in multiple modes and protocols is supported, including but not limited to voice and text (see col. 1, lines 17-27).
21. Regarding claim 47, the combination of Shtivelman-Holbrook disclose wherein Matsui further discloses the system of claim 40 wherein contact identities of single users or devices may vary by communication mode as well as by zone (see par. [0007, 0101, 0128, 0195]).
22. Regarding claim 48, Shtivelman-Holbrook discloses the system of claim 46 wherein the multiple modes and protocols include email, instant messaging, RSS, voice mode, network-news transport protocol (NNTP), file transport protocol (FTP), really simple syndication (RSS), universal discovery_ description and integration (UDDI), lightweight directory_ access protocol (LDAP), multipurpose internet mail extensions (MIME, post office protocol (POP), simple mail transport protocol (SMTP), Internet message access protocol (IMAP), session initiation protocol (SIP), text messaging services (TMS), and hypertext transport protocol (HTTP) (see Shtivelman: col. 1, lines 17-27; Holbrook: par. [0007, 0101, 0128, 0195]).
23. Regarding claim 49, Shtivelman-Holbrook disclose the system of claim 40 wherein contact identities include both sender and recipients (see Shtivelman: col. 1, lines 28-35, col. 2, lines 44-57; Holbrook: par. [0007, 0101, 0128, 0195]).
24. Regarding claim 50, Shtivelman discloses the system of claim 40 further comprising generated alerts from attempted policy violation (see col. 7, lines 37-45).

25. Regarding claim 51, Shtivelman discloses the system of claim 41 wherein contact identity name may be in a form of a URI, an email address, a telephone number, a machine address, an IP address, or a text message (see col. 1, lines 17-27, col. 5, lines 32-42).
26. Regarding claim 52, Shtivelman-Holbrook disclose the system of claim 40 wherein management policy includes automatic handling of incoming communication events, the handling determined by one or both of contact identity and mode of communication (see Shtivelman: figure 3, col. 1, lines 28-35, col. 2, lines 44-57; Holbrook: par. [0007, 0101, 0128, 0195]).
27. Regarding claim 53, Shtivelman-Holbrook-Fraser further discloses the system of claim 40 further comprising an interactive user interface for a user to create and populate zones, enter contact identities and creat, edit, and associate policy (see Holbrook: par. [0007, 0101, 0128, 0195, 0158]; Fraser: creating and editing group setting under Group setting section starting at page. 99).
28. Regarding claims 54-69, (Cancelled).
29. Regarding claims 71-82, there claimed limitations are same as previously addressed claims 41-42, and 44-53 except being method claims and therefore are rejected for the same reason as claims 41-42, and 44-53 (see claims 41-42 and 44-53 rejection above).

Prior Art of the Record

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited References) for a list of more relevant prior arts.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444